

FFB 23 2006

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**IN THE UNITED STATES DISTRICT COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

MARIA HELLENA JEBEHN,) CIVIL ACTION NO.03-0027
Plaintiff,)
v.) MEMORANDUM IN
JOSEPH JOHN HERRERA;) SUPPORT OF MOTION
ALOHA COUNCIL BOY SCOUTS OF) FOR AN ORDER IN AID
AMERICA, INC.; and BOY SCOUTS) OF JUDGMENT AGAINST
OF AMERICA, INC.,) DEFENDANT JOSEPH
Defendants.) JOHN HERRERA
Date: April 6, 2006
Time: 9:00 a.m.

MEMORANDUM IN

**MEMORANDUM IN
SUPPORT OF MOTION
FOR AN ORDER IN AID
OF JUDGMENT AGAINST
DEFENDANT JOSEPH
JOHN HERRERA**

Date: April 6, 2006

Time: 9:00 a.m.

Rule 69 (a) of the Federal Rules of Civil Procedure provides in relevant parts:

“Process to enforce a judgment for the payment of money shall be a writ of execution, unless the court directs otherwise. The procedure on execution, in proceedings supplementary to and in aid of judgment, and in proceedings on and in aid of execution shall be in accordance with the practice and procedure of the state in which the district court is held, existing at the time the remedy is sought...In aid of the judgment or execution, the judgment creditor or successor in interest when that interest appears of record, may obtain discovery from any person, including the judgment debtor, ...”

1 District court had jurisdiction to enforce settlement agreement, where order approving the
2 agreement included an express provision retaining jurisdiction to resolve disputes and enforce
3 the agreement. *Flanagan v. Arnaiz*, 143 F.3d 540 (CA 9, 1998)

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5 As shown in the Declaration of Michael W. Dotts filed herewith, Plaintiff is entitled to
6 obtain an order in aid of judgment. The Court retained jurisdiction to enforce the terms of the
7 Settlement Agreement if necessary. Defendant refused and failed to make timely payments
8 under the Settlement Agreement.

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10 The purpose of this Motion for an Order in Aid of Judgment is to authorize execution on
11 the full judgment amount and to examine Defendant's ability to pay and to determine the fastest
12 manner in which Defendant can pay the Judgment which remains unsatisfied. Accordingly,
13 Plaintiff hereby seeks the aid of the Court in enforcing the terms of the Settlement Agreement.

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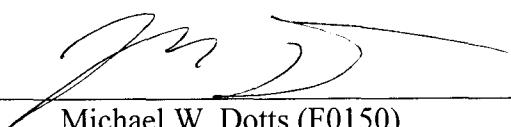
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16 Respectfully submitted this 22 day of February, 2006.

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18 O'CONNOR BERMAN DOTTS AND BANES
19 Attorneys for Plaintiff

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21 By: 
22 Michael W. Dotts (F0150)

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25 3016-01-060220-MemoMotionOrderAidJudgment.abs

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